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October 31, 2003

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Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communication Commission
445 Twelfth Street, S.W.
12th Street Lobby- TW- A325
Washington, D.C. 20554

Re: Petition for Rule Making
Montgomery, Alabama

Dear Mrs. Dortch:

Enclosed are an original and four (4) copies of a Petition for Rule making to add Channel 226A at Montgomery, Alabama.

Respectfully Submitted



Sharon Black
6608 Concord Mews
Montgomery, AL 36116
(334)284-1024 Tele
(334) 288-2656 Fax

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Figure 1 Montgomery Population and Demographics

and a large number of local churches. The proposed channel 226A will provide additional diversity and an outlet for local self-expression to Montgomery residents and therefore is in the public interest.

In order for Channel 226A to be allotted to Montgomery Alabama, the reference coordinated for Channel 226A, the vacant allotment at Coosada, Alabama must be relocated 13.56 miles south. **Note:** The Report & Order for MM Docket No. 01-341, DA 02-865, Coosada, Alabama, was released on April 12, 2002. (See Attachment A).

The proposed changes are:

	<u>Present</u>	<u>Proposed</u>
Montgomery, AL	-----	226A
Coosada, AL	226A	226A

Attached hereto is a channel study confirming that Channel 226 A can be allocated to Montgomery, Alabama, consistent with the FCC's FM separation rules provided the change is made at Coosada, Alabama. See revision of FM Assignment Policies and procedures, 90 FCC 2d 88 (1992). (See, Attachment B)

Reference coordinates for Channel 226A at Montgomery, Alabama are:

32-21-04 N

86-19-28W

Figure 2 Relocated reference coordinates 6.0KW

In order for Channel 226A to be allotted at Montgomery, Alabama, the reference coordinates for the vacant allotment Channel 226a at Coosada, Alabama must be relocated 13.56 miles south.

Attached hereto is a channel study confirming that the reference coordinates for Channel 226A at Coosada, Alabama can be relocated 6.0kw consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FC 2d 88 (1992). (See, Attachment C). The new reference coordinates for Channel 226A at Coosada, Alabama are:

32-21-2.5 N
86-19-27.48 W

Should this petition be granted, and Channel 226A is allotted to Montgomery, Alabama, Petitioner will apply for Channel 226a, and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully Submitted



Sharon Black

6608 Concord Mews
Montgomery, AL 36116
(334) 284-1024 Tele
(334) 288-2656 Fax

CC: Robert E.W. Black, P.O. Box 201451 Montgomery Alabama, 36116. Telephone (334) 284-1024, telecopier (334) 288-2656; contact person for Sharon Black. It is requested that the Commission and any parties who may file pleading in the captioned matter serve copier to Mr. Black as well as Sharon Black.

October 31, 2003

Attachment A
(Report & order for MM Docket No 01-341, Coosada, Alabama, DA 02-865.

Before the
Federal Communications Commission
Washington, D.C. 20554

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APR 15 2002
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In the matter of)	
)	
Amendment of Section 73.202(b))	
FM Table of Allotments,)	
FM Broadcast Stations)	
(Pierce, Nebraska))	MM Docket No. 01-340
)	RM-10345
)	
(Coosada, Alabama))	MM Docket No. 01-341 ✓
)	RM-10346
)	
(Pineview, Georgia))	MM Docket No. 01-342
)	RM-10347
)	
(Diamond Lake, Oregon))	MM Docket No. 01-343
)	RM-10348

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 3, 2002

Released: April 12, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein a multiple docket *Notice of Proposed Rule Making* setting forth four separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each proposal involves adding a community to the FM Table of Allotments. Each petitioner filed comments reiterating its intention to file an application for construction permit at each locality and effectuate the change of community if granted. Comments in support were filed in one of the proceedings.

2. This is a multiple docket *Report and Order* issued in response to a Commission *Public Notice* released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single *Report and Order*. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the *Public Notice*, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. We discuss the following proposals:

A. MM Docket No. 01-340, RM-10345

Petitioner: Pierce Radio, LLC
C/O Lawrence Bernstein
Law Offices of Lawrence Bernstein
1818 N Street, NW
Suite 700
Washington, DC 20036

Determination: Allot Channel 248C2 at Pierce, Nebraska, as the community's first local aural

transmission service.

Accordingly, pursuant to the authority contained in Sections 4 (i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective May 28, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Pierce, Nebraska	248C2

Coordinates: 42-11-30 NL and 97-28-00 WL.

Additional Information: Channel 248C2 is allotted at Pierce at a site 5 kilometers (3.1 miles) east of the community. Petitioner Pierce Radio, LLC, filed comments in support of the allotment, stating that it would file an application for the channel and build the station. Michael C. Flood also filed comments in support. Both commenters addressed the community status of Pierce, and state that it is a community for allotment purposes. We agree. Pierce is the largest community in Pierce County, and is the county seat. It has a 1990 US Census population of 1615 persons, and a 2000 US Census population of 1,774 persons. The city has a mayor and city council as well as a city administrator, zoning administrator, city clerk and treasurer. It has several city departments, and a police and volunteer fire department. It is also planning to build a library. As the county seat, Pierce houses county offices, and county officials. In addition, there are churches, businesses, medical facilities and recreational facilities.

FCC Contact: Victoria M. McCauley (202) 418-2180.

B. MM Docket No. 01-341, RM-10346

Petitioner: Media Equities Corp.
C/O Dan J. Alpert
Law Offices of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

Determination: Allot Channel 226A at Coosada, Alabama as the community's first local aural transmission service.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective May 28, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Coosada, Alabama	226A

Coordinates: 32-26-58 NL and 86-11-38 WL

Additional Information: Channel 226A is allotted at Coosada at a site 14 kilometers (8.7 miles) southeast of the community. Petitioner Media Equities Corp. filed comments reiterating its intention to file an application for the channel, if allotted. We have determined that Coosada is a community for allotment purposes. Coosada is an incorporated town with a 2000 U.S. Census population of 1,382

persons. It is governed by a mayor and five-member city council. In addition, it has its own police and fire departments, six churches, and several businesses, including a bank, car dealer, gas station, grocery store and pharmacy.¹

FCC Contact: Victoria M. McCauley (202) 418-2180.

C. MM Docket No. 01-342, RM-10347

Petitioner: Data+Corp.
C/O Dan J. Alpert
Law Offices of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

Determination: Allot Channel 226A at Pineview, Georgia, as the community's first local aural transmission service.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective May 28, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Pineview, Georgia	226A

Coordinates: 32-00-44 NL and 83-28-19 WL.

Additional Information: Channel 226 is allotted at Pineview at a site 8.4 kilometers (5.3 miles) southeast of the community. Petitioner Data+Corp. filed comments in support of the allotment and stating that it would file an application for the channel, if allotted. We have determined that Pineview is a community for allotment purposes.

FCC Contact: Victoria M. McCauley (202) 418-2180.

D. MM Docket No. 01-343, RM-10348

Petitioner: Robert W. Larson
161 Millview Lane
Roseburg, Oregon 97470

Determination: Allot Channel 299A at Diamond Lake, Oregon, as the community's first local aural transmission service.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective May 28, 2002, the FM Table of Allotments, Section 73.202(b) of the

¹ We also received an informal filing dated December 12, 2001, addressed to a Sharon Black referencing this allotment. To our knowledge, this pleading was not served on the petitioner and makes no actual request or comment to the Commission. We have not considered this pleading herein.

Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Diamond Lake, Oregon	299A

Coordinates: 43-10-44 NL and 122- 8-16 WL

Additional Information: Channel 299A can be allotted at Diamond Lake without a site restriction. Petitioner Robert W. Larson filed comments in support of the allotment, stating that he will apply for the channel if allotted, and giving additional information on the community status of Diamond Lake. We have determined that Diamond Lake is a community for allotment purposes. Diamond Lake is an unincorporated resort community in a remote location in the Cascade Mountains. It has a U.S. Forest Service Ranger Station and a volunteer fire department. The community has approximately 175 year-round residents, and there are more than 3,000 year-round residents in the surrounding area. It is on Highway 138 and receives more than one million visitors per year. It is in the Rand McNally Road Atlas. There are many websites devoted to it. Petitioner lists over thirty- five entities that are located in the immediate area. He claims that the community receives no local radio or television signals due to the terrain, and that for safety, the community needs its own local service.

FCC Contact: Victoria M. McCauley (202) 418-2180.

3. Filing windows for Channels 248C2 at Pierce, Nebraska, 226A at Coosada, Alabama, 226A at Pineview, Georgia, and 299A at Diamond Lake, Oregon will not be opened at this time. Instead the issue of opening these allotments for auction will be addressed by the Commission in a subsequent *Order*.

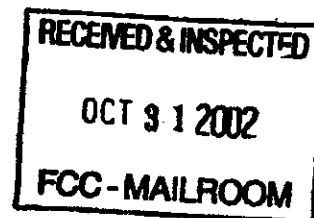
4. For further information concerning a proceeding listed above, contact the FCC contact listed for that proceeding. Questions related to the application process for Channels 248C2 at Pierce, Nebraska, 226A at Coosada, Alabama, 226A at Pineview, Georgia, and 299A at Diamond Lake, Oregon should be addressed to the Audio Division, Media Bureau (202) 418-2700.

5. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Office of Broadcast License Policy
Media Bureau

Before the
Federal Communications Commission
Washington, D.C. 20554



In the matter of)

Amendment of Section 73.202(b))

FM Table of Allotments,)

FM Broadcast Stations.)

Coosada, Alabama)

MM Docket No. 01-341

RM-10346

MEMORANDUM OPINION AND ORDER

Adopted: October 16, 2002

Released: October 25, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a petition for reconsideration tiled on behalf of Media Equities Corporation ("petitioner"), directed to the *Report and Order* issued in this proceeding which allotted, among other channels, Channel 226A at Coosada, Alabama.¹ No parties filed comments in response to the petition for reconsideration.²

2. Petitioner had proposed this allotment in this proceeding. It was included in a multiple docket *Notice of Proposed Rulemaking* on April 12, 2002, and no other parties tiled comments or expressions of interest in that allotment.

3. In its petition for reconsideration, petitioner now withdraws its expression of interest in the allotment of Channel 226A at Coosada. It states that the allotment conflicts with another allotment opportunity that it has chosen to pursue. It includes a statement consistent with Section 1.420(j) of our rules attesting to the fact that it has received no consideration for this withdrawal and that it has not been promised any future consideration for this withdrawal.

4. We will grant the petition for reconsideration. With petitioner's withdrawal, there is no interest in the allotment. Accordingly, we will delete the allotment.³

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective December 9, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

Community

Channel

Coosada, Alabama

-

¹ See *Pierce, Nebraska, Coosada, Alabama, Pineview, Georgia, and Diamond Lake, Oregon*. 17 FCC Rcd 6676 (2002).

² See Report No. 2560, July 3, 2002.

³ See *Wickenburg, Bagdad, and Aguila, Arizona*. 16 FCC Rcd 15793 (Allocations Branch 2001).

6. IT IS FURTHER ORDERED That the petition for reconsideration filed by Media Equities Corp. IS GRANTED.

7. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to:

Dan J. Alpert, Esq.
2120 N. 21st Road
Arlington, VA 22201

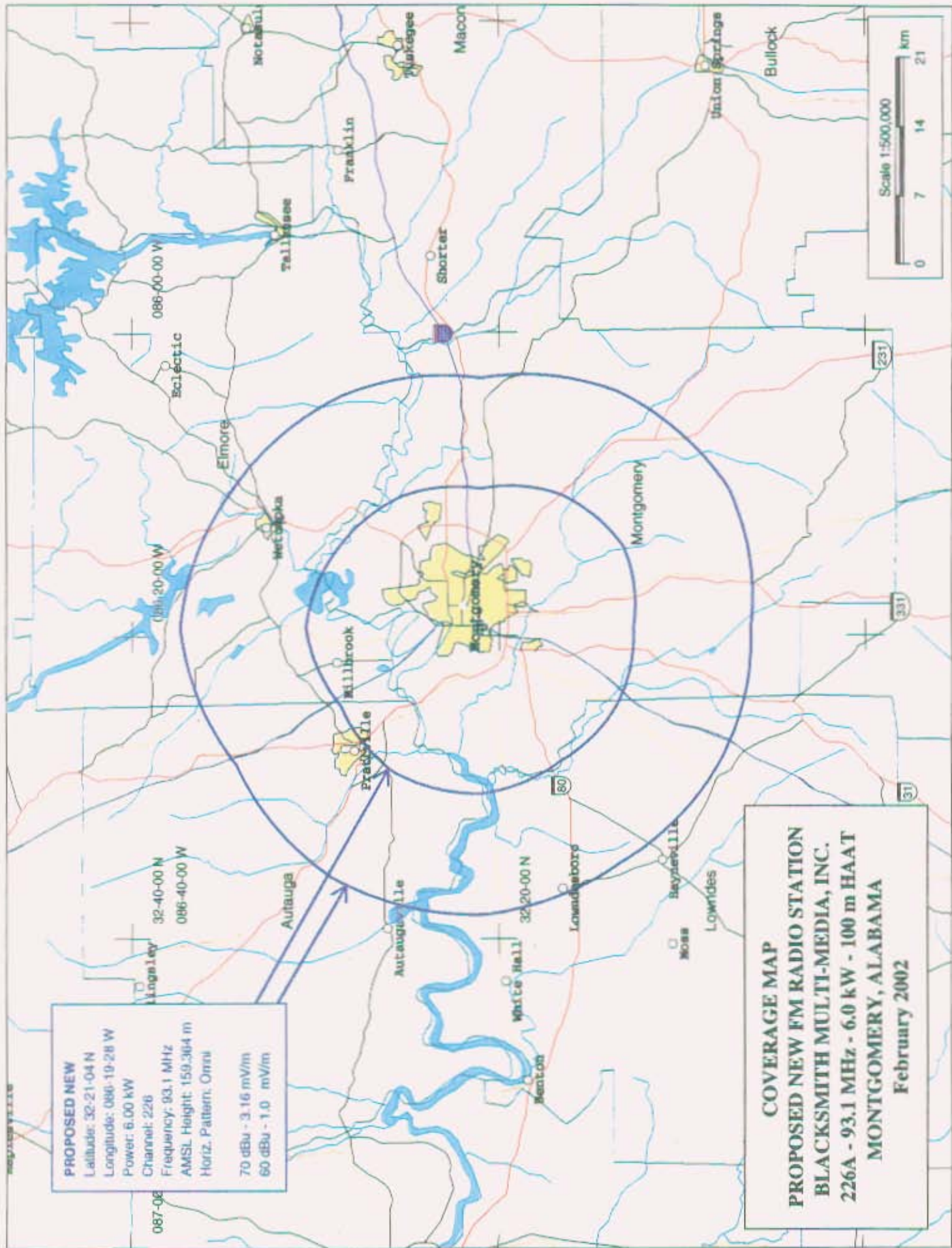
8. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

9. For further information concerning the above, please contact Victoria M. McCauley at (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Attachment B
(Channel study for Channel 226A at Montgomery, Alabama)

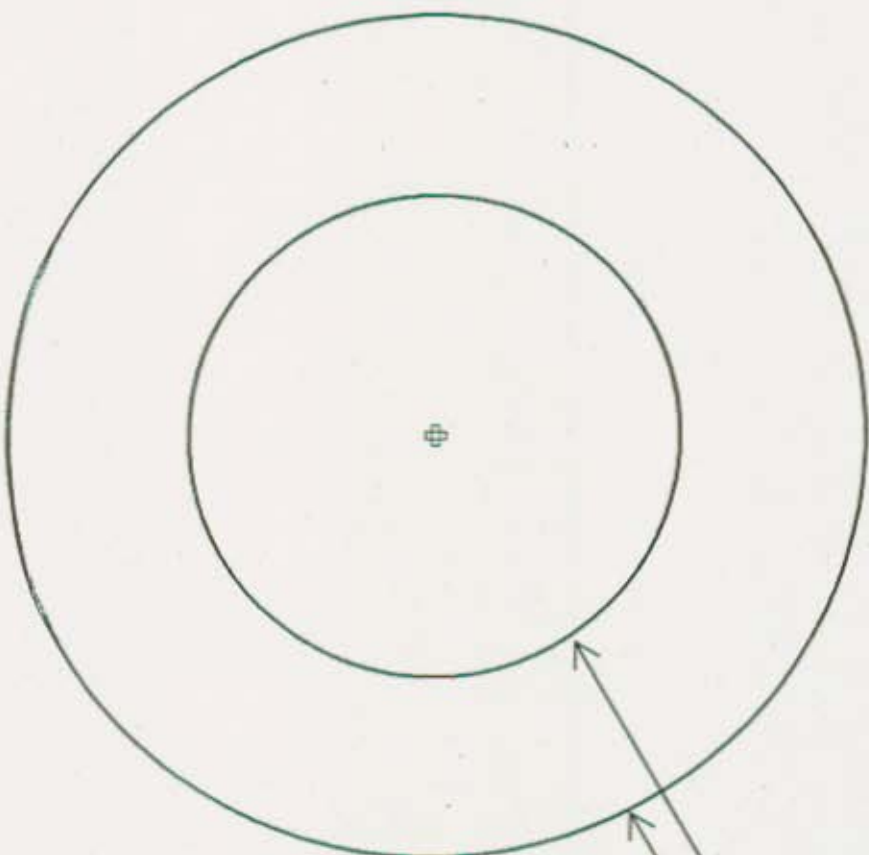


Attachment C

(Channel study for Channel 226A at Coosada Alabama, reference Coordinated relocated)

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